

REMARKS

Reconsideration of the above-identified patent application in view of the remarks following is respectfully requested.

Claims 1-49 are pending in this application. Claims 1, 18, 28, 30, 32, 34, 42 and 43 are independent. Claims 18-41 and 43-49 were withdrawn by the Examiner from consideration as drawn to a non-elected invention. Claim 42 has been rejected under § 101. Claim 1 has been rejected on the ground of nonstatutory obviousness-type double patenting. Claims 1-17 and 42 have been rejected under § 102(b). Claims 7-17 have been rejected under § 103(a).

§ 112, First Paragraph Rejections

The Examiner has rejected claim 42 under § 112, first paragraph, as claiming the same invention as that of claim 14 of Moran, US Patent No. 6,324,537 (henceforth, "Moran '537") and claim 18 of Moran, US Patent No. 6,539,380 (henceforth, "Moran 380"). The Examiner's rejection is respectfully traversed.

Claim 14 of Moran '537 is:

A method for controlling access to data stored in an electronic storage device, the method comprising the steps of:

- (a) providing an access control device for determining access to the electronic data storage device;
- (b) receiving a request to access the stored data by said access control device;
- (c) comparing said request to at least one permission for determining access to the stored data by said access control device, wherein said at least one permission is one of a plurality of different types of permission, each type of permission determining a type of success to the stored data;
- (d) if said at least one permission includes a type of access requested in said request, performing said request for accessing the stored data from the electronic data storage device by said access control device; and

- (e) alternatively, if said at least one permission does not include a type of access requested in said request, rejecting said request by said access control device.

Claim 18 of Moran '380, rewritten in independent form, is:

A system for controlling access to stored data, the stored data having at least one associated type of ion, the system comprising:

- (a) an electronic data storage device for storing the stored data; and
- (b) an access control device for controlling access to said electronic data storage device according to a type of requested access, wherein said access control device has a plurality of different of access for accessing data on said electronic data storage device, such that the stored data is only accessed through said access control device, and such that said access control device determines access to the stored data by comparing the at least one associated type of permission to said type of access being requested, said access control device comprising a memory for storing the at least one associated type of permission for determining access to the stored data, such that the at least one associated type of permission is determined only according to a data-based definition stored in said memory and such that said at least one associated type of permission is changeable, wherein said access control device has a single input and wherein access is determined only through said single input.

Claim 42 of the above-identified patent application is:

A device for controlling access to data stored in an electronic data storage device, the device comprising:

- (a) an input for receiving a request to access the stored data;
- (b) a non-volatile memory for storing at least one permission for determining access to the stored data;
- (c) at least one instruction for determining a permitted access according to the at least one permission, said at least one instruction being stored on said non-volatile memory; and
- (d) a processor for executing said at least one instruction and for comparing said request to said at least one permission, such that if said at least one permission includes a type of access requested in said request, the stored data is provided, and alternatively if said at least one permission does not include a type of access requested in said request, the stored data is not provided.

Claim 42 clearly does not recite the same invention as claim 14 of Moran '537, at least because claim 14 of Moran '537 includes the limitation that the at least one permission is one of a plurality of different permissions. Claim 42 clearly does not recite the same invention as claim 18 of Moran '380, at least because claim 18 of Moran '380 includes the limitations that the at least one associated type of permission is changeable and that the access control device has a single input.

Nonstatutory Double Patenting Rejections

The Examiner has rejected claim 1 under the judicially created doctrine of nonstatutory double patenting as being unpatentable over claim 11 of Moran '537 and claim 11 of Moran '380. The Examiner's rejection is respectfully traversed.

Claim 11 of Moran '537, rewritten in independent form, is:

A system for controlling access to stored data, the stored data having at least one associated type of permission, the system comprising:

- (a) an electronic data storage device for storing the stored data and information appended to the stored data, said appended information featuring said at least one associated type of permission for accessing the stored data;
- (b) an access control device for controlling access to said electronic data storage device, such that the stored data is only accessed through said access control device, and such that said access control device determines access to the stored data according to at least one said associated type of permission, and wherein said access control device further comprises:
 - (i) an input for receiving a request to access the stored data;
 - (ii) a flash memory device for storing at least one permission for determining access to the stored data;
 - (iii) at least one instruction for determining a permitted access according to the at least one permission, said at least one instruction being stored on said flash memory device; and
 - (iv) a processor for executing said at least one instruction and for comparing said request to

said at least one permission, such that if said at least one permission includes a type of access requested in said request, the stored data is provided, and alternatively if said at least one permission does not include a type of access requested in said request, the stored data is not provided;

- (c) a CPU (central processing unit) for transmitting said request to said access control device and for receiving provided data; and
- (d) a USB (universal serial bus) for connecting said CPU to said access control device, such that said electronic data storage device is not accessed through said CPU, but only through said access control device.

Claim 11 of Moran '380, rewritten in independent form, is:

A system for controlling access to stored data, the stored data having at least one associated type of ion, the system comprising:

- (a) an electronic data storage device for storing the stored data; and
- (b) an access control device for controlling access to said electronic data storage device according to a type of requested access, wherein said access control device has a plurality of different of access for accessing data on said electronic data storage device, such that the stored data is only accessed through said access control device, and such that said access control device determines access to the stored data by comparing the at least one associated type of permission to said type of access being requested, said access control device comprising a memory for storing the at least one associated type of permission for determining access to the stored data, such that the at least one associated type of permission is determined only according to a data-based definition stored in said memory and such that said at least one associated type of permission is changeable, and wherein said access control device further comprises:
 - (i) an input for receiving a request to access the stored data;
 - (ii) a flash memory device for storing at least one permission for determining access to the stored data;
 - (iii) at least one instruction for determining a permitted access according to the at least one permission, said at least one instruction being stored on said flash memory device; and
 - (iv) a processor for executing said at least one instruction and for comparing said request to said at least one permission, such that if said at

least one permission includes a type of access requested in said request, the stored data is provided, and alternatively if said at least one permission does not include a type of access requested in said request, the stored data is not provided;

- (c) a CPU (central processing unit) for transmitting said request to said access control device and for receiving provided data; and p1
- (d) a USB (universal serial bus) for connecting said CPU to said access control device, such that said electronic data storage device is not accessed through said CPU, but only through said access control device.

Claim 1 of the above-identified patent application is:

A device for controlling access to a resource, access being provided through a host device having a USB bus, the device comprising:

- (a) an input for receiving a request to access the resource;
- (b) a flash memory device for storing at least one permission for determining access to the resource;
- (c) a flash memory controller for controlling the flash memory device;
- (d) a processor for executing said at least one instruction and for comparing said request to said at least one permission, such that if said at least one permission includes a type of access requested in said request, access to the resource is provided, and alternatively if said at least one permission does not include a type of access requested in said request, access to the resource is not provided; and
- (d) a USB interface controller for communicating with the USB bus of the host device and, if permitted, for transmitting data from said processor.

Claim 1 is not obvious from either claim 11 of Moran '537 or claim 11 of Moran '380, at least because claim 1 recites a flash memory controller for controlling the flash memory device. The recited function of the flash memory device of both claim 11 of Moran '537 and claim 11 of Moran '380 is to store the permission(s). It is not obvious that a system that has a flash memory device in its access control device only for the recited purpose would also need a flash memory controller in the access control device.

§ 102(b) Rejections – Moran ‘380

The Examiner has rejected claims 1-17 and 42 under § 102(b) as being anticipated by Moran ‘380. The Examiner’s rejection is respectfully traversed.

In a telephonic interview held on April 14, 2008, the Examiner agreed to withdraw the § 102(b) rejections.

§ 103(a) Rejections – Moran ‘380 in view of Chang et al. ‘812

The Examiner has rejected claim 7 under § 103(a) as being unpatentable over Moran ‘380 in view of Chang et al., US Patent Application Publication No. 2003/0093812 (henceforth, “Chang et al. ‘812”). The Examiner’s rejection is respectfully traversed.

In a telephonic interview held on April 14, 2008, the Examiner agreed to withdraw the § 103(a) rejections.

§ 103(a) Rejections – Moran ‘380 in view of Chang et al. ‘812 and Shamoon et al.

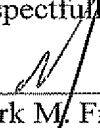
‘948

The Examiner has rejected claims 8-17 under § 103(a) as being anticipated by Moran ‘380 in view of Chang et al. ‘812 and Shamoon et al., US Patent No. 7,233,948. The Examiner’s rejection is respectfully traversed.

In a telephonic interview held on April 14, 2008, the Examiner agreed to withdraw the § 103(a) rejections.

In view of the above remarks it is respectfully submitted that independent claims 1 and 42, and hence dependent claims 2-17 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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